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March 16, 1999

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, Maryland 20852

Re: Docket # 98N-1038, "Irradiation in the Production, Processing, and Handling of Food"

To whom it may concern:

I am a retired chemical engineer and attorney. As someone who has diet restrictions, I am very grateful for the food labeling now in effect. I understand that the FDA is asking for comments on the issues of 1) whether the wording of the current radiation disclosure statement should be revised, and 2) whether such labeling requirements should expire at a specified date in the future.

I urge the FDA to retain the current labeling law, the current terminology of "treated with radiation" or "treated by irradiation," and the use of the radura symbol on all irradiated whole foods, and to maintain such labeling for an indefinite period with no fixed expiration date.

Regarding the issue of labeling, in its initial petition, the FDA concluded that irradiation was a "material fact" about the processing of a food, and thus should be disclosed. The material fact remains; therefore, labeling should remain. Consumer acceptability, storage qualities and nutrients are affected. Processing by irradiation causes chemical changes that are not evident and are potentially hazardous. Meat may have a higher level of carcinogenic benzene. All irradiated foods contain unique radiolytic products that have never been tested.

Regardless of the fact that the FDA has approved irradiation as safe, it remains a new technology with no long-term human feeding studies. Consumers certainly have a right to know if this process has been used on their food.

Labels should be large enough to be readily visible to the consumer, on the front of the package. The label contains important information regarding the processing of the contents. For displayed whole foods such as produce, a prominent informational display similar to that used for meats should be used (but containing the term "irradiation" and the radura).

98N-1038

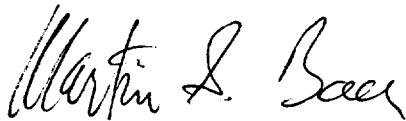
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Like other labels, irradiation labels are required by FDA to be truthful and not misleading. I strongly urge that the terms "treated with radiation" or "treated by irradiation" should be retained. Any phrase involving the word "pasteurization" is misleading because pasteurization is an entirely different process of rapid heating and cooling.

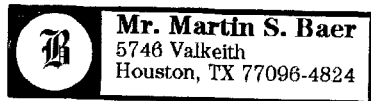
Because of the newness of the technology and the need to assess the public health effects of widespread use of irradiated foods, I believe that the FDA's labeling requirement should not be permitted to expire.

I also suggest that the comments received be placed on the Internet so that the public can be informed about who is participating in this comment process.

Sincerely yours,

A handwritten signature in black ink, reading "Martin S. Baer". The signature is written in a cursive style with a large, stylized 'M' and 'B'.

Martin S. Baer



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